Docket No.: 2080.1068

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Andreas FREY et al.

Serial No. 10/552,149 Group Art Unit: 2617

Confirmation No. 9167

Filed: October 7, 2005 Examiner: CHAKOUR, Issam

For: METHOD FOR TRANSMITTING DATA IN A RADIO COMMUNICATION SYSTEM

PRE-APPEAL BRIEF CONFERENCE REQUEST

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

The Applicants respectfully request review of the rejection mailed February 2, 2010 in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal.

Claims 12-27, 29 and 30 are pending.

Claims 12-27, 29 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of U.S. Patent Application Publication No. 2003/0161343 to Ghosh (hereinafter "Ghosh"), U.S. Patent Application Publication No. 2009/0093243 to Lee et al. ("Lee"), and U.S. Patent Application Publication No. 2005/0239460 to Kroth et al. ("Kroth").

It is noted that the rejection of claims 12-14 and 29, cited as being rejected under 35 U.S.C. § 102(e) appears to be an inadvertent error, as it appears that the Examiner meant to cite such under 35 U.S.C. § 103(a).

A pre-appeal brief panel review of the identified appealable issue is requested.

I. **Rejections under 35 U.S.C. § 103**

a. "transmitting from the base station a first message to a controlling radio network controller allocated to the base station when the measurements show that the transmission quality does not meet a first defined criterion, the first message containing information about the transmission quality and an identifier of at least one particular subscriber station for which the measurements indicated that the transmission quality meets a second criterion"

The Examiner conceded that Ghosh does not discuss or suggest transmitting from the base station a first message to a controlling radio network controller allocated to the base station when the measurements show that the transmission quality does not meet a first defined criterion, the first message containing information about the transmission quality and an identifier of at least one particular subscriber station for which the measurements indicated that the transmission quality meets a second criterion. The Examiner indicates that Lee makes up for the deficiencies in Ghosh. The Applicants respectfully disagree.

b. Lee

Lee discusses a node B monitors the status of user data transmission (e.g., existence or non-existence of a data unit to be transmitted), and if the parameter indicating the state of the radio link exceeds a certain threshold value, the node B initiates updating of the HS-DPCCH related parameter and sends the to-be-updated parameter to the RNC through the RL parameter update request message of the NBAP to initiate the RL parameter update procedure. The DRNC sends the to-be-updated parameter value received from the node B to the SRNC through the RL parameter update request message of the RNSAP (see paragraphs 0146-0147).

Lee further discusses at paragraph 0164 that the node B determines updating of the HSDPA related parameter if the corresponding condition is satisfied (that is, if it exceeds the upper limit or the lower limit of the period/threshold value).

First, Lee only discusses that, upon recognizing the configuration change in the radio link from the SRNC, the node B determines updating of the HSDPA related parameter if the corresponding condition is satisfied (if it exceeds upper and lower limits of a threshold value). However, Lee does not discuss or suggest relating the configuration change in the radio link to a specific subscriber station or a transmission quality of that particular subscriber station.

The present invention provides a message to a controlling radio network controller when measurements show that the transmission quality does not meet a first defined criterion, and also contains information about the transmission quality and an identifier for a particular

subscriber station for which the measurements indicated that the transmission quality meets a second criterion. Thus, for example, the message can indicate that the quality of transmission is bad for a particular subscriber station and can indicate that this can be changed by changing the configuration. Thus, the controlling radio network controller can determine the measures to be taken to improve the quality of transmission.

Lee does not suggest providing a transmission quality for a particular subscriber station, but only discusses recognizing the configuration change in the radio link from the SRNC.

In addition, Lee does not discuss or suggest that a base station transmits a first message containing information about the transmission quality and an identifier of at least one particular subscriber station for which the measurements indicated that the transmission quality meets a second criterion. Lee discusses that it is determined whether a parameter indicating a state of a radio link exceeds a certain threshold value. However, Lee does not suggest transmitting a message including an identifier of a subscriber station for which the measurement indicates that the transmission quality meets a second criterion. Lee is only suggestive of the transmitting information indicating a state of a radio link. Lee does not, however, identify subscriber stations for which the transmission quality meets a second criterion.

The Examiner cites paragraphs 0008, lines 5-8 and 0030, lines 1-6 in asserting that Lee discloses a message including an identifier of at least one particular subscriber station for which the measurements indicated that the transmission quality meets a second criterion. However, paragraphs 0008 and 0030 only generally discuss a user equipment identification (UE ID) that is transmitted, but does not suggest that the UE ID is an identifier of at least one particular subscriber station for which the measurements indicated that the transmission quality meets a second criterion. Merely asserting that a UE ID is transmitted in a message is not an identifier indicating that a specific subscriber station has a measurement indicating that the transmission quality for that subscriber station meets a second criterion (if the transmission quality does not meet a first criterion).

Further, the Examiner asserts both that paragraphs 0164 and 0048 suggest a measurement that shows that the transmission quality does not meet a first defined criterion ("(e.g. threshold corresponding to lower than a good channel quality, see [0164] lines 1-5, note that the change in radio link is radio channel state or condition see [0048] lines 1-5)"), and asserts that paragraphs 0164 and 0048 suggest a measurement indicating that the transmission quality meets a second criterion ("e.g. bad quality, see [0164] lines 3-5 and [0048] lines 1-5"). While Lee appears to suggest determining whether the parameter indicating the state of the

radio link exceeds a certain threshold value, Lee does not suggest transmitting a message when measurements show that a transmission quality of a particular subscriber station does not meet a first defined criterion, where the message contains information about the transmission quality and an identifier of the particular subscriber station for which the measurements indicated that the transmission quality meets a second criterion (i.e., although the transmission quality of the subscriber station is not good, there are measures that may be taken to improve the quality of transmission for that particular subscriber station).

Therefore, claim 12 patentably distinguishes over the references relied upon.

In addition, the combination of the teachings of Ghosh and Lee does not suggest "wherein a base station sends a first message to the controlling radio network controller when a measured transmission quality made available to the base station of at least one of the plurality of subscriber stations exchanging data with the base station does not meet a defined criterion, the first message containing information about the transmission quality and about the at least one subscriber station," as recited in independent claim 29.

As discussed above, Lee discusses only that if the parameter indicating the state of the radio link exceeds a certain threshold value, updating of the HS-DPCCH related parameter is initiated. Lee does not suggest that information about the transmission quality of a subscriber station and information about the specific subscriber station is transmitted. Lee is not concerned with determining a transmission quality of a specific subscriber station.

Therefore, claim 29 patentably distinguishes over the references relied upon.

c. Kroth

Kroth fails to make up for the deficiencies in Ghosh and Lee.

Claims 13-27 and 30 depend either directly or indirectly from independent claims 12 and 29 and are patentable over the references relied upon for at least the reasons discussed above.

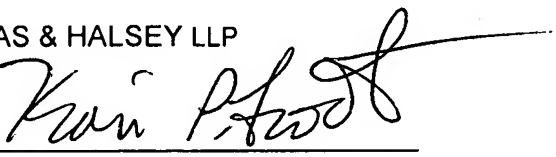
Conclusion

In accordance with the foregoing, claims 12-27, 29 and 30 are pending and under consideration.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited. Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters. If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: August 2, 2010 By: 

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